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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,811	11/20/2001	Nick Steele	17357.2.1.2	8011
22913	7590	12/30/2010		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER WORJLOH, JALATIEE	
			ART UNIT	PAPER NUMBER
			3685	
			MAIL DATE	DELIVERY MODE
			12/30/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/988,811

**Applicant(s)**

STEELE ET AL.

**Examiner**

Jalatee Worjloh

**Art Unit**

3685

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-71 and 74-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-71 and 74-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Notice of Informal Patent Application
- 7) ☐ Other: \_\_\_\_\_
- 8) ☐ Paper No(s)/Mail Date 11/2/2010

## **DETAILED ACTION**

### **Response to Amendment**

1. This Office Action is responsive to the amendment filed October 27, 2010.
2. Claims 60-71 and 74-87 are pending.

### **Response to Arguments**

3. Applicants' arguments filed October 27, 2010 have been fully considered but they are not persuasive.
4. Applicants argue that Takayama fails to teach or suggest the feature where each ticket template includes access privileges for a respective one of a plurality of types of service providers".

The claim recites the functional language for. Applicant is reminded that functional recitation(s) using the word "for" or other functional language have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

5. All other arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

6. Claims 60-64 and 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2009/0157531 to Bui and U.S. Publication No. 2009/0125429 to Takayama in view of U.S. Publication No. 2007/0282733 to May.

Referring to claim 60, Bui discloses receiving a ticket at a host server from a consumer via a client device to perform a transaction, the ticket identifying selected information elements and including authorization from the client device for a vendor server to access information elements from an information account associated with the consumer and maintained in a central data repository and accessible via a distributed network, the information account comprising a plurality of consumer information elements accessible and modifiable by the consumer; interacting by means of the host server with a vendor server to request the transaction; and accessing by means of the host server the information account to retrieve a the selected information elements and providing the selected information elements to the vendor server to complete the transaction (see Fig. 2B and related text, figures 4E, 4F, 4G, paragraphs [0054] and [0055]). Bui does not expressly disclose a wireless application gateway and the ticket being generated by the client device in response to a selection on the client device selecting one of a plurality of ticket templates, each ticket template including access privileges for a respective one of a plurality of types of service providers, the ticket identifying selected information elements associated with the access privileges. Takayama discloses a wireless application gateway (see paragraph [0034]) and, each ticket template including access privileges, the ticket identifying selected information elements associated with the access privileges (see paragraphs [0447], [00448], [1095], fig. 59 and related text). May discloses a ticket being generated by the client

device in response to a selection on the client device selecting one of a plurality of ticket templates (see paragraphs [0026] & [0031]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Bui to include the features of Takayama and May. One of ordinary skill in the art would have been motivated to do this because the ticket template provides a model for generating and issuing electronic ticket to client devices (see paragraph [1944] of Takayama).

Applicant is reminded that functional recitation(s) using the word “for” or other functional language have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

Referring to claim 61, Bui discloses receiving consumer preferences for the transaction from the client device, and wherein interacting with the vendor server to request the transaction comprises communicating the consumer preferences to the vendor server (see paragraph [0038]).

Referring to claim 62, Bui discloses retrieving consumer preferences for the transaction from the information account; and wherein interacting with the vendor server to request the transaction further comprises communicating the consumer preferences to the vendor server (see paragraph [0038]).

Referring to claim 63, Bui discloses the method wherein the ticket from the client device further comprises authentication information; and wherein the method further comprises the step

of authentication the consumer based on the authentication information prior to interacting with the vendor database on behalf of the consumer (see paragraph [0037] and Fig. 2B).

Referring to claim 64, Bui discloses wherein the authentication information comprises consumer authentication information; and whereto authenticating the consumer comprises the verifying the consumer authentication information (see paragraph [0037]).

Referring to claim 66, Bui discloses wherein the transaction involves a vendor providing a product or service to the consumer (Fig. 2B).

Referring to claim 67, Bui discloses the method wherein the transaction involves receiving at least one data file from the vendor server and storing the data file in the information account (see paragraph [0064] and Fig. 4D – receives and stores at least the acknowledgement information).

Referring to claim 68, Bui discloses maintaining the information account in a central data repository accessible via the distributed network on behalf of the consumer (see paragraphs [Fig. 2B]).

Referring to claim 69, Bui discloses receiving an acknowledgement from the vendor server indicating that the transaction has been completed and storing the acknowledgment in the information account (see paragraphs [0064], [0065] & Fig. 4D).

Claims 70, 71, 75-82, and 84-87 are rejected on the same rationale as claims 60-69 above.

#### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 65, 74, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bui, Takayama, and May as applied to claims 60 and 70 above, and further in view of U.S. Publication No. 2006/0229944 to Walker et al. ("Walker").

Referring to claim 65, Bui discloses the authentication information includes identifying information such as user name and password and verifying the user based on at least the user name and password (see paragraph [0037]). The sole difference between Bui and the claimed subject matter is that Bui does not disclose the authentication information includes equipment identifier. Walker discloses authentication information includes an equipment identifier that uniquely identifies the client device, and wherein authenticating the consumer comprises the step of verifying the equipment identifier (0157, device identifier). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of the user name and password of Bui for the device identifier of Walker. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Claims 74 and 83 are rejected on the same rationale as claim 65 above.

### Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685